

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

|                                  |   |                                     |
|----------------------------------|---|-------------------------------------|
| <b>UNITED STATES OF AMERICA,</b> | ) |                                     |
|                                  | ) |                                     |
| <b>Plaintiff,</b>                | ) |                                     |
|                                  | ) |                                     |
| <b>vs.</b>                       | ) | <b>CRIMINAL NO. 03-30137-01-GPM</b> |
|                                  | ) |                                     |
| <b>DARRON J. MURPHY, SR.,</b>    | ) |                                     |
|                                  | ) |                                     |
| <b>Defendant.</b>                | ) |                                     |

**ORDER**

**MURPHY, District Judge:**

Defendant, Darron J. Murphy, Sr., has filed a motion “pursuant to Rule 60(b), of Fed. R. Crim. P. to vacate judgments of conviction.” The motion was filed on April 23, 2009, and no response has been filed.

First, the Court notes that Rule 60(b) of the Federal Rules of Criminal Procedure deals with the enforcement and limitation on assertion of victim’s rights. While it is possible that Murphy meant to reference Rule 60(b) of the Federal Rules of Civil Procedure, which deals with relief from a judgment or order, a motion brought under the civil rules has no place in a criminal case. Moreover, this case is currently on appeal to the Seventh Circuit Court of Appeals because Murphy has appealed the Court’s Order Correcting Judgment entered on June 20, 2008 (*see* Doc. 119). The Court has no jurisdiction to entertain the instant motion.

The instant motion (Doc. 129) is **DENIED**.

**IT IS SO ORDERED.**

DATED: 05/13/09

s/ *G. Patrick Murphy*  
G. Patrick Murphy  
United States District Judge